

PATENT  
ATTORNEY DOCKET NO. 50026/012001Certificate of Mailing: Date of Deposit: July 13, 2001

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Michelle P. Chicos

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Michelle P. Chicos

Signature of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ozawa et al.

Art Unit: 1655

Serial No.: 09/142,305

Examiner: B. Sisson

Filed: September 10, 1999

Customer No.: 21559

Title: GENE THAT IMPARTS SELECTIVE PROLIFERATIVE ACTIVITY

Assistant Commissioner for Patents  
Washington, D.C. 20231REPLY TO RESTRICTION REQUIREMENT

In reply to the Examiner's action mailed June 21, 2001, Applicants elect the invention of Group I, claims 1-4. The election is made without traverse.

If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 13 July 2001James D. DeCamp  
James D. DeCamp, Ph.D.  
Reg. No. 43,580

Clark & Elbing LLP  
176 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

21559  
PATENT, TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER: \_\_\_\_\_

The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: **Ozawa et al.**Serial/Patent Number: **09/142,305**Filed/Issued: **September 10, 1999**Title: **GENE THAT IMPARTS SELECTIVE PROLIFERATIVE ACTIVITY**

<input type="checkbox"/> Transmittal Letter	Pages: _____	<input type="checkbox"/> Declaration & POA	Pages: _____
<input type="checkbox"/> Notice of Missing Parts	Pages: _____	<input type="checkbox"/> Assignment & Cover Sheet	Pages: _____
<input type="checkbox"/> Reply to Missing Parts	Pages: _____	<input type="checkbox"/> Change of Address	Pages: _____
<input checked="" type="checkbox"/> Reply to Examiner's Action	Pages: <b>1</b>	<input type="checkbox"/> Small Entity Statement	Pages: _____
<input type="checkbox"/> Extension of Time	Pages: _____	<input type="checkbox"/> Preliminary Amendment	Pages: _____
<input type="checkbox"/> Notice of Appeal	Pages: _____	<input type="checkbox"/> IDS	Pages: _____
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# Clark & Elbing LLP

#9

176 Federal Street  
Boston, MA 02110-2214

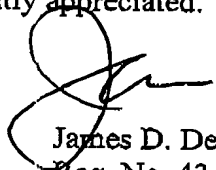
Telephone 617-428-0100  
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617-428-7046

**Date:** February 28, 2002  
**To:** Examiner Helen Childs  
U.S. Patent and Trademark Office  
**Facsimile No:** 703-308-4407  
**From:** James D. DeCamp, Ph.D.  
**Re:** U.S. Patent Application Serial No. 09/142,305  
Filed September 10, 1999  
Ozawa et al., "Gene that Imparts Selective Proliferative Activity"  
**Pages:** 6, including this one  
**Message:** Dear Examiner Childs:

Further to our telephone conversation of today, attached is a true copy of the Reply to Restriction Requirement and postcard mailed on July 13, 2001. Also enclosed is a copy of the postcard bearing the PTO stamp indicating that it was received on July 16, 2001.

Applicants respectfully request that the Notice of Abandonment mailed on January 29, 2002 (copy attached) be withdrawn.

Your assistance is greatly appreciated.



James D. DeCamp, Ph.D.  
Reg. No. 43,580

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/142,305	09/10/1999	KEIYA OZAWA	50026/012001	2019

7590

01/29/2002

PAUL T CLARK  
 CLARK & ELBING  
 176 FEDERAL STREET  
 BOSTON, MA 02110

EXAMINER

SISSON, BRADLEY L

ART UNIT

PAPER NUMBER

1655

DATE MAILED: 01/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

FEB 01 2002

CLARK &amp; ELBING

ACTION DUE Petition to revive  
 DUE DATE \_\_\_\_\_  
 ESP 1-29-03  
 INITIALS J.M.

**Notice of Abandonment**

Application No.

09/142,305

Examiner

Bradley L. Sisson

Applicant(s)

OZAWA ET AL

Art Unit

1655

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 June 2001.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

*B. L. Sisson*

Bradley L. Sisson  
Primary Examiner  
Art Unit: 1655

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.